

REMARKS

Claims 2-4, 8, 9 and 13 were examined by the Examiner. Applicant thanks the Examiner for withdrawing the previous prior art rejections ~~have been withdrawn~~. However, the Examiner now applies a new reference, Kawamura et al. (U.S. Patent No. 5,371,553) to allegedly satisfy the claimed invention. Specifically, claims 2-4, 8, 9 and 13 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kawamura.

With respect to independent claim 2, Applicant previously argued that the previously applied reference Goulden does not teach or suggest at least, “wherein the client device establishes said communication channel with respect to the server devices by periodic polling in the step (a), wherein said periodic polling occurs at regular intervals,” as recited in claim 2.

In the present Office Action, the Examiner no longer applies Goulden but now cites col. 3, line 35 - col. 6, lines 1-10 of Kawamura as allegedly satisfying the above-quoted features of claim 1. In response, Applicant submits that nowhere does this reference even mention “polling.” There is no teaching or suggestion of the technical features of claim 2 anywhere in Kawamura. Therefore, at least based on the foregoing, Applicant submits that claim 2 is patentably distinguishable over Kawamura.

Applicant submits that independent claim 13 is patentable at least based on reasons similar to those set forth above with respect to claim 2.

Applicant submits that dependent claims 3, 4, 8 and 9 are patentable at least by virtue of their indirect or direct dependencies from independent claim 2.

Further, with respect to claim 3, the Examiner acknowledges that the features of this claim are not satisfied by Kawamura, however the Examiner summarily alleges that a JAVA applet would have been incorporated into the invention of Kawamura. In response, Applicant

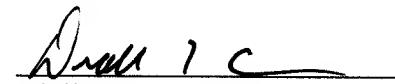
submits that the Examiner has not established a *prima facie* case of obviousness as the Examiner has not demonstrated that the applied reference satisfies the feature of a JAVA applet. Further, even if, *arguendo*, a JAVA applet is known in the art, there is no indication of how a JAVA applet would be incorporated into the invention of Kawamura. The Examiner is obviously utilizing impermissible hindsight reasoning in determining that the features of claim 3 would have been obvious to incorporate into Kawamura.

At least based on the foregoing, Applicant submits that claims 2-4, 8, 9, and 13 are patentably distinguishable over the applied references, either alone or in combination.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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